

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ROCHELLE DANIEL,

Plaintiff,

CASE NUMBER: 11-13141

HONORABLE VICTORIA A. ROBERTS

v.

DTE ENERGY,

Defendant.

ORDER

On August 22, 2013, the Court entered an Order adopting the Magistrate's Recommendation granting Defendant's Motion for Summary Judgment and orders denying Plaintiff leave to file a third and fourth Amended Complaint. On September 11, 2013, Plaintiff filed a motion for reconsideration rearguing the issues decided.

Defendant filed a motion to file a response to Plaintiff's motion for reconsideration and attached its Response. The Response says that Plaintiff's motion for reconsideration is untimely. Alternatively, Defendant says Plaintiff's motion should be denied because it does not present a palpable defect.

Defendant's motion to respond is **GRANTED**. The Court **DECLINES** to grant Plaintiff the relief requested. Plaintiff's motion is not timely and fails to state why.

While in its discretion, the Court can grant a motion for reconsideration if it is demonstrated that a palpable defect misled the Court in its ruling, correction of which would result in a different disposition, E.D. Mich. 7(g)(3), a motion for reconsideration must be filed within fourteen days of the underlying order. See E.D. Mich. 7.1(h) (1)

Twenty-one days passed before Plaintiff filed this motion for reconsideration. The order was entered on August 22. Plaintiff filed her motion for reconsideration on September 11.

Even if Plaintiff's motion was timely it would be denied. Palpable defects are those which are "obvious, clear, unmistakable, manifest or plain." *Mich. Dep't of Treasury v. Michalec*, 181 F. Supp. 2d 731, 734 (E.D. Mich. 2002).

Plaintiff presents no palpable defect; rather, she rehashes her arguments with the Court. The motion is **DENIED**.

IT IS ORDERED.

S/Victoria A. Roberts
Victoria A. Roberts
United States District Judge

Dated: November 12, 2013

The undersigned certifies that a copy of this document was served on the attorneys of record and Rochelle Daniel by electronic means or U.S. Mail on November 12, 2013.

S/Linda Vertriest
Deputy Clerk